



# PACIFIC-10 CONFERENCE

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FEB 28 1997

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Implementation of the Telecommunications  
Act of 1996

Proposed Rulemaking re Closed Captioning  
of Video Programming

MM Docket No. 95-176

## COMMENTS OF THE PACIFIC-10 CONFERENCE

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Thomas C. Hansen, *Commissioner*



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February 20, 1997

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Office of the Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

To whom it may concern:

The Pacific-10 Conference ("the Pac-10") submits the following comments to the Notice of Proposed Rulemaking relating to closed captioning of video programming. The Pac-10 is a non-profit association made up of ten, mostly public universities: the University of Arizona, Arizona State University, the University of California, Berkeley, the University of California, Los Angeles, the University of Oregon, Oregon State University, the University of Southern California, Stanford University, the University of Washington and Washington State University.

As stated in its constitution, the Pac-10's purpose is "to enrich and balance the athletic and educational experiences of student-athletes at its member institutions, to enhance athletic and academic integrity among its members, and to provide leadership in support of its basic values." It does so by, among other things, organizing and sanctioning regular season athletic contests and post-season championships among its members. The Pac-10 also seeks, on behalf of its members, to contract with video programming vendors to telecast or cablecast (collectively, "televise") some of those contests, usually on a national or regional basis. In addition, the Pac-10's members contract individually with video programming vendors to televise other of their contests, usually on a local basis.

The Pac-10 is concerned about the potential impact of closed captioning requirements on its member universities and their students and fans. While the Pac-10 shares the Commission's concerns relating to the availability of television programming for the hearing-impaired, we believe that other social goals should also be considered and balanced. The Commission has noted that some exemption to a closed captioning requirement may be appropriate for college sports. We agree, and specifically believe that local and regional telecasts and cablecasts of sports other than football and men's and women's basketball -- so-called "non-revenue" sports -- should be exempted or, at least, that the requirement as to those sports should be deferred.

Thomas C. Hansen, *Commissioner*

The Pac-10 is, we think, justifiably, proud of the results our members have achieved in all sports, including non-revenue sports.<sup>1</sup> The Pac-10 has won more team and individual NCAA championships than any other conference. But despite our teams' successes on the field, it remains largely unprofitable to televise non-revenue sports. (We understand from our television partners that even revenue-generating sports like football and basketball are only marginally profitable to them.) Thus, while we have had some success in selling a cable package combining revenue and non-revenue sports, it is generally very difficult for the Pac-10 to find telecasters or cablecasters willing to televise non-revenue events. We believe a blanket closed-captioning requirement for all college sports telecasts will greatly increase that difficulty, and will have a detrimental effect on the Pac-10's member universities, their fans and the sports public.

The "exposure" Pac-10 members get from having their sporting events televised is very important. Broad exposure enhances the conference's and its members' reputations, and assists with recruiting students, including student-athletes. It also enhances alumni support for a university's sports programs, as well as the university itself, which is increasingly important with other sources of funds dwindling. The Pac-10 and other conferences seek exposure not just for their members' football programs, but for all of their men's and women's teams. Exposure is equally important to student-athletes competing in non-revenue sports, and to the parents and other fans who want to see those sports.

The Pac-10 believes that a blanket closed-captioning requirement will have a disproportionate negative impact on those student-athletes and their fans by keeping some or all of their games off the air. Closed captioning can cost up to \$1,200 per hour of airtime. Most sporting events are at least two hours long. While that cost may not be significant in terms of a nationally telecast college football game, it is quite significant with respect to regional or local telecasts or cablecasts of men's and women's non-revenue sports. Such telecasts do not generate nearly the viewership or revenue of national football or basketball telecasts, and many times are done mainly as a service to the university or conference. The additional cost of closed-captioning may well make such telecasts economically infeasible. That is particularly true of local telecasts, where budgets are small, and profits even smaller

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<sup>1</sup> Pac-10 members sponsor an average of 10 men's and 11 women's sports programs. Our members compete in such sports as men's and women's volleyball, golf, tennis, crew, swimming and track and field. Some 5,500 men and women participate in Pac-10 athletics each year.

or non-existent, to begin with. Moreover, the fact that sporting events are ordinarily shown only once makes it impossible to spread closed captioning costs over multiple telecasts. In addition, as the Commission has noted, the necessary captioning and encoding equipment may be prohibitively expensive or even unavailable for local telecasts.

Finally, it is debatable whether closed captioning provides sufficient benefit in the context of sporting events to offset those social costs. Unlike other programming, the action on the screen largely speaks for itself. In fact, closed captioning can actually detract from the program's value. It can be confusing, because the text often lags behind, and can obscure portions of, the action. A preferable alternative, which is becoming more and more prevalent, is the use of graphics by the programmer to highlight relevant statistical or analytical information. Techniques like displaying halftime statistics or diagramming plays on screen provide visually many of the benefits of the audible commentary on sports programming. Since those techniques are coordinated by the programming producer, they achieve those benefits with less confusion and interruption of the action (and without the additional cost of closed captioning). Indeed, a technological problem with closed captioning and sports telecasts is that, because both closed captioning and graphics generally appear in the bottom portion of the picture, the text overrides and obscures many of the telecast's graphics, thus actually depriving the viewer of information designed to enhance viewing.

For all of these reasons, the Pac-10 suggests that the appropriate balance among competing social goals is to exempt men's and women's non-revenue sports from the closed captioning requirement. In the alternative, we request that the requirement be deferred as to those sports to allow time for the technology- and cost-related problems discussed above to be resolved. The Pac-10 and its members appreciate the Commission's attention to this important matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas C. Hansen". The signature is written in dark ink and is positioned above the printed name.

Thomas C. Hansen  
Commissioner